

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PLANNING**

DATE: JANUARY 29, 2007

Committee Members Present:  
Supervisors Stec

Gabriels  
Monroe  
Tessier  
Champagne

Committee Members Absent:  
Supervisor Belden  
Mason

Representing Planning & Community Development  
Department:

Patricia Tatich, Director  
Wayne LaMothe, Assistant Director  
Jamie White, Small Business Development  
Coordinator  
Martin Fitzgerald, Construction Cost Coordinator  
Joan Parsons, Commissioner of Administrative &  
Fiscal Services  
Joan Sady, Clerk  
Paul Dusek, County Attorney  
Patricia Nenninger, Second Assistant County  
Attorney  
Supervisor Caimano  
Supervisor Kenny  
Supervisor F. Thomas  
Leonard Fosbrook, President of Economic  
Development Corporation, Warren County  
Peter Wohl, Director, Adirondack Regional Business  
Incubator  
John Wheatley, Project Manager, Queensbury  
Industrial Park  
Luisa Sherman, Lake George Regional Chamber of  
Commerce  
Maury Thompson, *The Post-Star*  
Carlene Ramsey, Sr. Legislative Office Specialist

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Mr. Stec called the meeting to order at 10:32 a.m.

Motion was made by Mr. Tessier, seconded by Mr. Gabriels and carried unanimously to accept the minutes of the previous meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Patricia Tatich, Director of Planning & Community Development, who distributed an Agenda packet to each of the Committee members and a copy is on file with the minutes.

Ms. Tatich began her Agenda review with A. Pending Items and she explained that a number of the items pertained to the Outdoor Drama Theater. Since most of the items were also part of other Agenda items, she said, she would report on the remaining Items at the end of the meeting.

Ms. Tatich continued her Agenda review with B, Items Requiring Committee Action.

She said Item B1 was a resolution request to appoint Janie Green, from the Town of Lake George, to the Warren County Planning Board to replace Arthur Gottlieb who had resigned. She explained the Town of Lake George had submitted this recommendation.

Motion was made by Mr. Gabriels, seconded by Mr. Champagne and carried unanimously to appoint Janie Green, from the Town of Lake George, to the Warren County Planning Board to replace Arthur Gottlieb, and to authorize the necessary resolution be prepared for the next Board meeting. A copy of the resolution request form is on file with the minutes.

Ms. Tatich clarified that Ms. Green would provide representation from the Lake George Basin Area.

Mrs. Sady entered the meeting at 10:34 a.m

Ms. Tatich reported Item B2 was a resolution request to apply for Community Development Block Grant funds and establish public hearings in anticipation that an eligible project will be identified.

Motion was made by Mr. Champagne, seconded by Mr. Monroe and carried unanimously to authorize submission of a grant application to the Governor's Office for Small Cities (GOSC) for Community Development Block Grant (CDBG) funds in an amount not to exceed \$600,000 and to establish public hearings on March 29, 2007 and April 5, 2007 at 4:00 p.m; and to authorize the necessary resolution be prepared for the next Board meeting. A copy of the resolution request form is on file with the minutes.

Ms. Tatich said Item B3 was a similar resolution request to apply for Community Development Block Grant funds on behalf of local communities. She reported that Edward (Trip) Shannon, Chief Development Officer with Hudson Headwaters Health Network had recently met with Wayne LaMothe, Assistant Director of Planning and Community Development.

Privilege of the floor was extended to Mr. LaMothe and he explained the Town of Thurman and the Town of Warrensburg intended to submit a joint application for funds to cover renovation costs of the old library building so it could house some of Hudson Headwaters Health Network's consolidated services. In addition, he pointed out, that a joint application meant the proposal qualified for an additional \$100,000, or a maximum of \$600,000 rather than \$500,000. He said he would provide a corrected resolution request to the Clerk of the Board. (New form to be provided)

Mr. LaMothe noted the resolution would also authorize his Department to assist other communities that wanted to apply for a similar style grant.

Ms. Tatich clarified that both the Town Boards would need to authorize the grant

application, as well. Mr. LaMothe clarified that any local share funds would be the responsibility of Hudson Headwaters Health Network, rather than the communities.

Motion was made by Mr. Champagne, seconded by Mr. Gabriels and carried unanimously to authorize submission of a grant application to the GOSC for Community Development Block Grant funds, on behalf of local communities, in an amount not to exceed \$600,000 and to establish public hearings on March 29, 2007 and April 5, 2007 at 4:00 p.m; and to authorize the necessary resolution be prepared for the next Board meeting. A copy of the resolution request form is on file with the minutes.

Ms. Tatich mentioned that Item B4 was a resolution request to apply to New York State (NYS) Housing Trust Fund - HOME Program for a housing assistance grant not to exceed \$400,000. She said this related to the home improvement program in communities identified to have the greatest need. These program funds could apply, she noted, to as many as three different communities.

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to authorize submission of a grant application to the NYS Housing Trust Fund - HOME Program in an amount not to exceed \$400,000; and to authorize the necessary resolution be prepared for the next Board meeting. A copy of the resolution request form is on file with the minutes.

Continuing, Ms. Tatich reported Item B5 was a resolution request to apply for a NYS Housing Trust Fund RESTORE program grant. She explained this program usually provided smaller amounts of money (i.e. \$5,000) and were generally used to assist the elderly, in tandem with CDBG (Community Development Block Grant) or HOME Programs.

Motion was made by Mr. Monroe, seconded by Mr. Gabriels and carried unanimously to authorize submission of a grant application to the NYS Housing Trust Fund - RESTORE Program in an amount not to exceed \$50,000; and to authorize the necessary resolution be prepared for the next Board meeting. A copy of the resolution request form is on file with the minutes.

Ms. Tatich invited Mr. LaMothe to report on Agenda Items B6 through B10.

Mr. LaMothe reported Item B6 was a resolution request to close out the Capital Project No. H.9552-24-280 First Wilderness Heritage Corridor since the funds had been fully expended.

Motion was made by Mr. Tessier, seconded by Mr. Champagne and carried unanimously to authorize the Capital Project No. H.9552-24-280 First Wilderness Heritage Corridor to be closed out and to forward the request to the Finance Committee. A copy of the resolution request form is on file with the minutes.

Mr. LaMothe stated Item B7 pertained to a Request for the Transfer of Funds related to the Workmens' Compensation Insurance premiums. He said the Treasurer's Office had processed the payments from the .840 accounts although the funds had been appropriated in the .418 accounts.

Motion was made by Mr. Champagne, seconded by Mr. Gabriels and carried unanimously to authorize the Request for Transfer of Funds from the Planning Board A.8020 418 to Planning Board A.8020 840 in the amount of \$858.13; from Planning and Community Development A.8021 418 to Planning and Community Development A.8021 840 in the amount of \$4,290.61; and from Planning and Community Development GIS (geographic information system) Program A.8022 418 to Planning and Community Development GIS Program A.8022 840 in the amount of \$858.13; and to forward same to the Finance Committee. A copy of the request form is on file with the minutes. *[Subsequent to the meeting, Mr. LaMothe confirmed the above referenced transfer of funds was for the 2007 Budget.]*

Mr. LaMothe returned to Agenda review and he explained that Items B8, B9, and B10 all related to Community Development projects that were now complete and ready to be closed out.

Motion was made by Mr. Monroe, seconded by Mr. Tessier and carried unanimously to authorize the following Community Development projects to be closed out: CD 50, CD 54 and CD 56, and to forward same to the Finance Committee. Copies of the resolution request forms are on file with the minutes.

Ms. Tatich resumed Agenda review with Item B11, and she presented a resolution request to establish acceptable training opportunities for Warren County Planning Board members in accordance with General Municipal Law §239-c. She explained the new regulations for Planning Board Members required that training opportunities be properly identified.

Motion was made by Mr. Champagne and seconded by Mr. Tessier to establish and identify acceptable training opportunities available for Warren County Planning Board members.

Mr. Monroe reported the Adirondack Park Agency (APA) had scheduled a Local Government Day which included programs to satisfy the new training requirements for Planning Board members. Ms. Tatich agreed to add the APA Local Government Day training session to the list. Messrs. Champagne and Tessier agreed to amend their motion accordingly.

Mr. Stec called the question and the motion carried unanimously to establish and identify acceptable training opportunities available for Warren County Planning Board members, pursuant to General Municipal Law §239-c, and to authorize the necessary resolution be prepared for the next Board meeting. A copy of the resolution request

form is on file with the minutes.

Mr. Gabriels queried whether or not the Town Planning Boards could use the same list of training sessions. Ms. Tatich said she felt the information would be useful at both the County and Town levels.

Next, Ms. Tatich reported that Agenda Items B12 was a request to travel to the American Planning Association Annual Conference in Philadelphia, Pennsylvania, on April 14-18, 2007. She explained that both she and Wayne LaMothe had participated with the Association for many years and, this year, had been invited to give a presentation at the National Conference. She expounded that their presentation was on the First Wilderness Heritage Corridor Program that had been sponsored by the Warren County Tourism Department.

Ms. Tatich commented that in view of the Board's desire to limit travel expenses, she had discussed the matter with Committee Chairman Stec, and had been advised to bring it before the Committee. She mentioned that the proposed 2007 Planning and Community Development Budget (A.8021) had included \$3,200 in .444 Travel and Education, although the amount had been zeroed out during the budget process.

Ms. Tatich acknowledged there were other training opportunities available, within the State of New York, for nominal amounts of money. She stated these training sessions were the cornerstone of her Department's work, which was outside the office, "out in the laboratory." However, she said, she did not think the Board of Supervisors had intended for the staff to pay their own way for training sessions. She further noted that nearly 50% of the trip's expenses was reimbursable from the First Wilderness Corner Project (\$1,400 of the \$2,900) which meant that approximately \$1,500 would need to come from the Planning Department's Budget.

For the purpose of discussion, motion was made by Mr. Monroe and seconded by Mr. Champagne to authorize the request for Travel to the American Planning Association Annual Conference in Philadelphia, Pennsylvania, on April 14-18, 2007.

Mr. Caimano left the meeting at 10:45 a.m.

Mr. Monroe said he felt these training opportunities were necessary for the Planning Department's staff. He acknowledged that some Departments may have requested unnecessary travel in the past, he said, he thought this was not the request was justified and necessary.

Mr. Tessier concurred and said he felt the Department's staff needed to stay "on top of their game" to write successful grant applications.

Following a brief discussion, Ms. Tatich pointed out that she heeded the advice of the Budget Officer and kept her Department's travel expenses to a minimum in 2006. She

pointed out that she had personally covered any of her own travel expenses in 2006.

Responding to questions from various Supervisors, Ms. Tatich clarified that the proposed 2007 Planning and Community Development Budget (A.8021) had included \$3,200 for Travel and Education expenses. She noted that expenses for other training sessions would require minimal travel within the State. In addition, she said, to the best of her recollection, approximately \$4,000 had been returned to the General Fund at the close of 2006.

Mr. LaMothe pointed out the First Wilderness Heritage Corridor Project had a high profile at the Department of State. He said the project had developed from the American Planning Association Conference held in Seattle, Washington, several years ago. He said it was modeled after the National Heritage Rivers Program.

Mr. Stec called the question and the motion was carried unanimously to authorize the request for Travel to the American Planning Association Annual Conference in Philadelphia, Pennsylvania, on April 14-18, 2007, for Patricia Tatich and Wayne LaMothe, in an amount not to exceed \$ \_\_\_\_\_. A copy of the resolution request is on file with the minutes.

Ms. Tatich resumed Agenda review at Item B13 and she requested the Committee to determine whether or not the Access to Home Program award funded in FY-06 to the Warren County LDC (Local Development Corporation) and later assigned to Warren County.

Mr. Kenny left the meeting at 10:43 a.m.

Privilege of the floor was extended to Paul Dusek, County Attorney, who explained this matter had consumed a fair amount of his Second Assistant, Trish Nenninger's, time. He said that no legal authority had been found which would support or authorize the County to administer this fund. Even though various State Agencies had issued their own memos in an attempt to clarify the regulations, he said, a lot of confusion remained. Specifically, he said he felt, the mix of State Government, the Housing Trust Fund Corporation, and the relationship to the Constitution, etc. contributed greatly to the confusion. However, he reported, Ms. Nenninger had stated, all along, that there was no authority for the County to administer this grant and he agreed.

Consequently, Mr. Dusek said, the best solution he and his staff had come up with, was for the County to adopt a Local Law based on the Constitutional authority that "does not prohibit" the County from administering low income housing projects.

Responding to Mr. Stec's questions, Mr. Dusek explained a Local Law would solve the question and provide the needed authority for the County to administer the Access to Home Program award funded in FY-06 to the Warren County LDC and later assigned to Warren County. He said he could have a Local Law drafted and ready for the full

Board of Supervisors to consider at the next Board meeting. At that time, he noted, a public hearing could be scheduled for the following month.

Motion was made by Mr. Champagne, seconded by Mr. Gabriels and carried unanimously to authorize Mr. Dusek to draft a local law and prepare a notice of public hearing, and to authorize the necessary resolution be prepared for the next Board meeting. (No resolution request forms were presented.)

Mrs. Parsons left the meeting at 10:54 a.m.

Mr. LaMothe reported that Agenda Item B14 was the annual report from the Warren County Planning Board, in compliance with General Municipal Law §239. He said the report illustrated the activity in 2006 ran close the same level of activity in 2005, with an average of 35 to 40 items reviewed each month.

Mr. Monroe queried if next year's report could include the percentage of applications that were recommended for approval and what County impact each project would have. Mr. LaMothe agreed and estimated that a 40-item agenda would probably have 30 applications with no County impact. He said the remaining 10 applications would carry comments back to the related community. He reiterated that this information would be included on future reports.

Mr. Stec observed that time was running short and there were still a few items on the Agenda to cover.

Mr. LaMothe resumed Agenda review at C. Planning General, Item C1 on the Outdoor Drama Facility. He explained that in December 2006 the Tourism and Parks, Recreation and Railroad Committees had met with members of the Board members of the Village of Lake George. (Refer to the minutes of the Joint Meeting - Tourism and Parks, Recreation & Railroad Committees, dated December 18, 2006 for further information.)

Following said joint meeting, Mr. LaMothe reported that the Village of Lake George had provided a certified resolution which made the site available for use as an Outdoor Drama Facility. He reported that he forwarded a copy of the resolution to the Clerk of the Board, Joan Sady.

Mr. LaMothe said it was his understanding the lease arrangements needed to be negotiated with the Village of Lake George's Mayor, Robert Blais. He requested the Committee to authorize someone to negotiate this contract with the Village. If the County decided to proceed, he said, the next step would be to initiate the fatal flaw analysis to discover any regulatory issues that may preclude the use of the that site.

Mr. LaMothe requested a resolution to accept the resolution from the Village for use of the site, and to authorize negotiation of the contract.

Motion was made by Mr. Champagne and seconded by Mr. Tessier to accept the resolution from the Village for use of the site, and to authorize negotiation of the contract, provided the 30 acres were clearly described in the contract.

Mr. Dusek queried whether or not the Committee wanted to review the draft contract or did the motion authorize a resolution to go directly to the full Board.

Following a brief discussion, Mr. Stec clarified that he understood Messrs. Champagne and Tessier intended to review the contract prior to authorizing a resolution for the full Board to review. He noted this matter would be carried forward as a pending item for the next Committee meeting.

Ms. Tatich resumed Agenda review with Item C2 and she reported the Warren County Local Development Corporation had been discussed in detail, at the Economic Development Committee Meeting, held immediately prior to this meeting. (See the minutes of the Economic Development Committee Meeting dated January 29, 2007 for the full discussion.)

Ms. Tatich explained the membership of the LDC's Board of Directors had been discussed at length.

Mr. Stec apprised the Committee members that the Economic Development Committee took forward a recommendation to the Legislative Committee to request some type of change in legislation. However, in recognition of the County's present obligation to strive for compliance with the new legislation, the Economic Development Committee also wanted to explore a reduction of the LDC's Board of Directors membership, with a smaller group of Supervisors appointed to serve as Directors. In addition, he said they also wanted to determine if the CEO (chief executive officer) and CFO (chief financial officer) of the Corporation could be staff members of the Planning and Community Development Department, or if other individuals needed to be appointed.

Mr. Stec acknowledged that the Planning and Community Development Committee also needed to be involved in the conversations since this Committee was responsible for the staff members who might serve as the CEO and CFO. He further noted that he and Mr. Monroe had been appointed to serve on the proposed-consolidated LDC Board of Directors (since they were the Chairmen of the Planning & Community Development and Economic Development committees, respectively). Consequently, he further noted that he and Mr. Monroe had attended the required training session (held earlier in January 2007). *(Please note that, to date, the Warren County Board of Supervisors has taken no formal action with regards to the proposed consolidation of the WC LDC and the Hudson River LDC.)*

In summary, Mr. Stec commented that Warren County, and many other counties, had discovered some issues with the new, "one size fits all" legislation and the unintended ripple effect on the smaller organizations.

Privilege of the floor was extended to Jamie White, Small Business Development



Coordinator with the Planning & Community Development Department, who reported on Agenda Item C3. She noted that a new session of the small business training course would begin in February with 11 participants registered to date. In the fall class, she mentioned, there were 17 participants, and all 17 walked away with a business plan at the end of the session.

Ms. Tatich resumed Agenda review with Item C4, Correspondence, and she reported that Woody Widlund had submitted a letter of resignation from the Small Business Loan Review Committee of the LDC. She noted the LDC was actively seeking a suitable replacement for him. In addition, she said, Beatrice Harpp, from the Town of Chester, had sent a card of thanks for the housing assistance she had received through the Governor's Office For Small Cities Program.

Mr. Stec returned the discussion to Agenda Item A, Pending Items and he inquired as the status of same. Mr. LaMothe reported on Item 2B, Outdoor Drama Theater (ODT) Project and he referenced a flow diagram of how the project could proceed. He said copies were available for anyone who was interested and a copy is on file with the minutes. He observed that the project had two aspects, the physical side and the production side. Continuing, he said, he felt Pending Item 2b fell more in line with the production side and it was his understanding the County would not be the sponsoring agency for that aspect of the project.

Mr. LaMothe suggested that perhaps this Item could be referred to the LDC for their consideration.

Following a brief discussion, motion was made by Mr. Monroe, seconded by Mr. Tessier and carried forward to refer Pending Item 2b to the Warren County LDC.

Mr. LaMothe reported on Pending Item (PI) 2a and he noted that Michael Swan, Director of Real Property Tax Services Department, had completed an appraisal of the site. He further noted the appraisal was available from Mr. Swan, and may be pertinent to the contract negotiations with the Village.

As for PI 2c, Mr. LaMothe said he had developed a a time line of how the project might evolve through its development and he directed attention to the last page of the Agenda packet. Since the project had so many issues yet to be resolved, he added the caveat that the chart may be more useful as a sequence of events rather than a true time line.

Mr. Dusek reported on PI 2d which related to the not-for-profit organization that Attorney Michael Stafford had assisted with. Mr. Dusek cautioned if Warren County were to take over this Corporation, the County would need to comply with all of the new legislative regulations. He recommended the Corporation should remain separate from the County.

A general discussion ensued with regards to how the County could best protect the name from being lost.

Motion was made by Mr. Gabriels, seconded by Mr. Champagne, and carried unanimously to authorize Ms. Tatich to develop a list of three candidates the County might recommend to the Corporation for appointment to its Board of directors. She agreed to report back at the next Committee meeting.

Due to time constraints, Ms. Tatich pointed out that PI 5, 6, & 7 could be carried forward to next month's Committee meeting. As for PI 4, she reported that Mr. Driscoll would remain on the County Planning Board until a representative from that section of the City of Glens Falls could be appointed as his replacement.

As for PI 1, the Abbreviated Consolidated Plan, Mr. LaMothe recommended that the item be carried forward since an updated Plan was not yet ready for presentation.

There being no further business to come before the Committee, on motion by Mr. Champagne and seconded by Mr. Gabriels, Mr. Stec adjourned the meeting at 11:16 a.m.

Respectfully submitted,  
Carlene A. Ramsey, Sr. Legislative Office Specialist